

California Regional Water Quality Control Board
North Coast Region

Notice of Public Hearing and Issuance of an Order
Administrative Civil Liability Order No. R1-2008-0070

For
Violation of Waste Discharge Requirements
Order Nos. 95-47, R1-2004-0009 and R1-2005-0096 and
SWRCB Order No. 2006-0003-DWQ

In the Matter Of
Fort Bragg Municipal Improvement District No. 1
Wastewater Treatment Facility
WDID No. 1B84083OMEN

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2007-0102 to the Fort Bragg Municipal Improvement District No.1 (hereinafter Discharger) on November 16, 2007. The Complaint assessed administrative civil liabilities in the amount of \$56,000 for violations related to effluent limitations and discharge prohibitions that occurred during the period from January 1, 2003 through October 31, 2007. The Complaint includes mandatory minimum penalties in the amount of \$6,000 for violations of effluent limits and a discretionary penalty in the amount of \$50,000 for violations of discharge prohibitions.

On December 17, 2007, the Discharger submitted a waiver of the right to a public hearing and proposed to undertake a Project in lieu of paying the full amount of the penalty. The Discharger is paying \$20,500 in two installments into the State Water Pollution Cleanup and Abatement Account and proposes a Project with a minimum total value of \$35,500. The proposed Project will add an alarm system with leak detection in the secondary containment section of the new Pudding Creek Force Main (3000 lineal feet of 10-inch sewer line) that is being placed on the Pudding Creek bridge span. The alarm system will enhance the overall performance of the force main relocation project and further protect Pudding Creek and beach areas from future leaks.

Public Hearing Procedures

The Regional Water Board will hold a public hearing on this matter on July 24, 2008 at 8:30 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about July 3, 2008. The meeting is scheduled to be held in the Regional Water Board Hearing Room at 5550 Skylane Blvd. Suite A, Santa Rosa, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

By 5:00 p.m. on June 27, 2008, the Discharger and interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material that

they would like the Regional Water Board to consider on this issue. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Board by 5:00 p.m. on June 27, 2008. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Order is available for review on the Regional Water Board web site at http://www.waterboards.ca.gov/northcoast/board_decisions/tentative-Orders/. That document as well as the other evidentiary documents and file may be inspected or copied at the Regional Water Board office on Mondays through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments may be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Tom Dunbar at (707) 576-2701 or at tdunbar@waterboards.ca.gov.

Catherine Kuhlman,
Executive Officer

May23, 2008